

## PART 1633—ADMINISTRATION OF CLASSIFICATION

### Sec.

- 1633.1 Classifying authority.
- 1633.2 Claim for other than Class 1-A.
- 1633.3 Submission of claims.
- 1633.4 Information relating to claims for deferment or exemption.
- 1633.5 Securing information.
- 1633.6 Consideration of classes.
- 1633.7 General principles of classification.
- 1633.8 Basis of classification.
- 1633.9 Explanation of classification action.
- 1633.10 Notification to registrant of classification action.
- 1633.11 Assignment of registrant to a local board.
- 1633.12 Reconsideration of classification.

AUTHORITY: Military Selective Service Act, 50 U.S.C. App. 451 *et seq.*; E.O. 11623.

SOURCE: 47 FR 4654, Feb. 1, 1982, unless otherwise noted.

### § 1633.1 Classifying authority.

The following officials are authorized to classify registrants into the indicated classes established by part 1630 of this chapter:

(a) The Director of Selective Service may in accord with the provisions of this chapter classify a registrant into any class for which he is eligible except Classes 1-A-0, 1-0, 2-D, 3-A, and 4-D: *Provided*, That, the Director may not reclassify a registrant other than a volunteer for induction, into Class 1-A out of another class prior to the expiration of the registrant's entitlement to such classification. The Director may, before issuing an induction order to a registrant, appropriately classify him if the Secretary of Defense has certified him to be a member of an armed force or reserve component thereof.

(b) The National Selective Service Appeal Board may in accord with part 1653 of this chapter classify a registrant into any class for which he is eligible.

(c) A district appeal board may in accord with part 1651 of this chapter classify a registrant into any class for which he is eligible.

(d) A local board may in accord with part 1648 of this chapter classify a registrant into Class 1-A-0, 1-0, 2-D, 3-A, or 4-D for which he is eligible.

(e) A local board may also classify a registrant into Class 1-C, 1-D-D, 1-D-E,

1-O-S, 1-W, 3-A-S, 4-A, 4-A-A, 4-B, 4-C, 4-F, 4-G, 4-T or 4-W for which he is eligible upon request by the registrant for a review of a classification denial action under § 1633.1(f). No individual shall be classified into Class 4-F unless the Secretary of Defense has determined that he is unacceptable for military service.

(f) Compensated employees of an area office may in accord with § 1633.2 may classify a registrant into an administrative class for which he is eligible. No individual shall be classified into Class 4-F unless the Secretary of Defense has determined that he is unacceptable for military service.

[47 FR 4654, Feb. 1, 1982, as amended at 52 FR 24456, July 1, 1987]

### § 1633.2 Claim for other than Class 1-A.

(a) Any registrant who has received an order to report for induction may, prior to the day he is scheduled to report, submit to the Selective Service System a claim that he is eligible to be classified into any class other than Class 1-A. The registrant may assert a claim that he is eligible for more than one class other than Class 1-A. The registrant cannot subsequently file a claim with respect to a class for which he was eligible prior to the day he was originally scheduled to report. Information and documentation in support of claims for reclassification and postponement of induction shall be filed in accordance with instructions from the Selective Service System.

(b) Any registrant who has received an order to report for induction that has not been canceled may, at any time before his induction, submit a claim that he is eligible to be classified into any class other than Class 1-A based upon events over which he has no control that occurred on or after the day he was originally scheduled to report for induction.

(c)(1) Claims will be filed with the area office supporting the local board of jurisdiction.

(2) Claims will be considered by the local board identified in paragraph (c)(1) or its supporting area office as prescribed in this part.

## Selective Service System

## § 1633.6

(d) The initial determination of claims for all administrative classifications are made by area office compensated personnel. After a denial of a claim for an administrative classification the registrant may request the local board to consider the claim.

(e) The initial determination of a judgmental classification is made by a local board.

(f) A registrant may request and shall be granted a personal appearance whenever a local or appeal board considers his claim for reclassification. Personal appearances will be held in accord with parts 1648, 1651 and 1653 of this chapter.

(g) A registrant who has filed a claim for classification in Class 1-A-O or Class 1-0 shall be scheduled for a personal appearance in accord with § 1648.4 before his claim is considered.

(h) If granted, a deferment or exemption supersedes the original order to report for induction. When a deferment or exemption expires or ends, a new order to report for induction will be issued.

[52 FR 24457, July 1, 1987]

### § 1633.3 Submission of claims.

Except as otherwise expressly provided by the Director, no document relating to any registrant's claims or potential claims will be retained by the Selective Service System and no file relating to a registrant's possible classification status will be established prior to that registrant being ordered to report for induction.

### § 1633.4 Information relating to claims for deferment or exemption.

The registrant shall be entitled to present all relevant written information which he believes to be necessary to assist the classifying authority in determining his proper classification; such information may include documents, affidavits, and depositions. The affidavits and depositions shall be as concise and brief as possible.

### § 1633.5 Securing information.

The classifying authority is authorized to request and receive information whenever such information will assist in determining the proper classification of a registrant.

### § 1633.6 Consideration of classes.

Claims of a registrant will be considered in inverse order of the listing of the classes below. When grounds are established to place a registrant in one or more of the classes listed in the following table, the registrant shall be classified in the lowest class for which he is determined to be eligible, with Class 1-A-O considered the highest class and Class 1-H considered the lowest class, according to the following table:

Class 1-A-O: Conscientious Objector Available for Noncombatant Military Service Only.

Class 1-O: Conscientious Objector to all Military Service.

Class 1-O-S: Conscientious Objector to all Military Service (Separated).

Class 2-D: Registrant Deferred Because of Study Preparing for the Ministry.

Class 3-A: Registrant Deferred Because of Hardship to Dependents.

Class 3-A-S: Registrant Deferred Because of Hardship to Dependents (Separated).

Class 4-D: Minister of Religion.

Class 1-D-D: Deferment for Certain Members of a Reserve Component or Student Taking Military Training.

Class 4-B: Official Deferred by Law.

Class 4-C: Alien or Dual National.

Class 4-G: Registrant Exempted From Service Because of the Death of his Parent or Sibling While Serving in the Armed Forces or Whose Parent or Sibling is in a Captured or Missing in Action Status.

Class 4-A: Registrant Who Has Completed Military Service.

Class 4-A-A: Registrant Who Has Performed Military Service For a Foreign Nation.

Class 4-W: Registrant Who Has Completed Alternative Service in Lieu of Induction.

Class 1-D-E: Exemption of Certain Members of a Reserve Component or Student Taking Military Training.

Class 1-C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.

Class 1-W: Conscientious Objector Ordered to Perform Alternative Service in Lieu of Induction.

Class 4-T: Treaty Alien.

Class 4-F-: Registrant Not Acceptable for Military Service.

Class 1-H: Registrant Not Subject to Processing for Induction.

[52 FR 24457, July 1, 1987]

## § 1633.7

### § 1633.7 General principles of classification.

(a) Each classified registrant in a selection group is available for unrestricted military service until his eligibility for noncombatant service, alternative service, or deferment or exemption from service has been determined by a classifying authority.

(b) The classifying authority in considering a registrant's claim for classification shall not discriminate for or against him because of his race, creed, color or ethnic background and shall not discriminate for or against him because of his membership or activity in any labor, political, religious, or other organization.

[47 FR 4654, Feb. 1, 1982, as amended at 52 FR 24457, July 1, 1987]

### § 1633.8 Basis of classification.

The registrant's classification shall be determined on the basis of the official forms of the Selective Service System and other written information in his file, oral statements, if made by the registrant at his personal appearance before the board, and oral statements, if made by the registrant's witnesses at his personal appearance. Any information in any written summary of the oral information presented at a registrant's personal appearance that was prepared by an official of the Selective Service System or by the registrant will be placed in the registrant's file. The file shall be subject to review by the registrant during normal business hours.

### § 1633.9 Explanation of classification action.

Whenever a classifying authority denies the request of a registrant for classification into a particular class or classifies a registrant in a class other than that which he requested, it shall record the reasons therefor in the registrant's file.

### § 1633.10 Notification to registrant of classification action.

The Director will notify the registrant of any classification action.

[52 FR 24457, July 1, 1987]

## 32 CFR Ch. XVI (7-1-03 Edition)

### § 1633.11 Assignment of registrant to a local board.

(a) A registrant is assigned to the local board that has jurisdiction over his permanent address that he last furnished the Selective Service System prior to the issuance of his induction order.

(b) The Director may change a registrant's assignment when he deems it necessary to assure the fair and equitable administration of the Selective Service Law.

[52 FR 24457, July 1, 1987]

### § 1633.12 Reconsideration of classification.

No classification is permanent. The Director of Selective Service may order the reconsideration of any classification action when the facts, upon which the classification is based, change or when he finds that the registrant made a misrepresentation of any material fact related to his claim for classification. No action may be taken under the preceding sentence of this paragraph unless the registrant is notified in writing of the impending action and the reasons thereof, and is given an opportunity to respond in writing within 10 days of the mailing of the notice. If the Director orders a reconsideration of a classification in accord with this paragraph, the claim will be treated in all respects as if it were the original claim for that classification.

## PART 1636—CLASSIFICATION OF CONSCIENTIOUS OBJECTORS

Sec.

1636.1 Purpose; definitions.

1636.2 The claim of conscientious objection.

1636.3 Basis for classification in Class 1-A-0.

1636.4 Basis for classification in Class 1-0.

1636.5 Exclusion from Class 1-A-0 and Class 1-0.

1636.6 Analysis of belief.

1636.7 Impartiality.

1636.8 Considerations relevant to granting or denying a claim for classification as a conscientious objector.

1636.9 Types of decisions.

1636.10 Statement of reasons for denial.

AUTHORITY: Military Selective Service Act, 50 U.S.C. App. 451 *et seq.*; E.O. 11623.